

1 WILLIAM R. TAMAYO, SBN 084965
2 DAVID F. OFFEN-BROWN, SBN 063321
3 LINDA S. ORDONIO-DIXON, SBN 172830
4 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
5 San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260
Telephone No. (415) 625-5654
Fax No. (415) 625-5657

6 Attorneys for Plaintiff

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 EQUAL EMPLOYMENT
11 OPPORTUNITY COMMISSION,

12 Plaintiff,

13 v.

14 GEORGIA-PACIFIC LLC,

15 Defendant.

CIVIL ACTION NO.

COMPLAINT- CIVIL RIGHTS
EMPLOYMENT DISCRIMINATION
(42 U.S.C. §§ 2000e, *et seq.*)

JURY TRIAL DEMAND

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17 NATURE OF THE ACTION

18 This is an action under Title I of the Americans with Disabilities Act of 1990 and Title I of
19 the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of disability and
20 to provide appropriate relief to Charging Party Janet Stege who was adversely affected by such
21 practices. The Commission alleges that Ms. Stege was unlawfully denied a reasonable
22 accommodation of her disability, Fibromyalgia.

23
24 JURISDICTION AND VENUE

25 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and
26 1345. This action is authorized and instituted pursuant to Section 107(a) of the Americans with
27 Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12117(a), which incorporates by reference Section
28

COMPLAINT

1 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e-5(f)(1)
2 and (3) and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

3 2. The employment practices alleged to be unlawful were and are now being committed within
4 the state of California, County of Alameda, City of San Leandro which is within the jurisdiction of
5 this court.

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7 **INTRADISTRICT ASSIGNMENT**

8 3. This action is appropriate for assignment to San Francisco/Oakland because the unlawful
9 employment practices alleged were and are being committed in Alameda County.

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11 **PARTIES**

12 4. Plaintiff, the Equal Employment Opportunity Commission (EEOC), is the agency of the
13 United States of America charged with the administration, interpretation, and enforcement of Title I
14 of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C.
15 § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C.
16 §2000e-5(f)(1) and (3).

17 5. At all relevant times, Defendant Georgia-Pacific LLC has continuously been a Delaware
18 Limited Liability Company, doing business in the State of California, in the County of Alameda, and
19 has continuously had at least fifteen employees.

20 6. At all relevant times, Defendant Georgia-Pacific LLC has continuously been an employer
21 engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. § 12111(5),
22 and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections
23 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

24 7. At all relevant times, Defendant Georgia-Pacific LLC has been a covered entity under
25 Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

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STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Charging Party Janet Stege filed a charge with the EEOC alleging violations of Title I of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least April of 2004, Defendant has engaged in unlawful employment practices at its San Leandro, California facility in violation of Section 102(a) and (b)(5)(A) of the ADA, 42 U.S.C. § 12112(a) and (b)(5)(A). Specifically, Defendant refused to provide a reasonable accommodation to Ms. Stege based on her disability, Fibromyalgia.

10. The effect of the practices complained of in paragraph 9 above has been to deprive Ms. Stege of equal employment opportunities and otherwise to adversely affect her status as an employee because of her disability.

11. The unlawful employment practices complained of in paragraph 9 above were and are intentional.

12. The unlawful employment practices complained of in paragraph 9 above were and are done with malice and/or reckless indifference to the federally protected rights of Ms. Stege.

PRAYER FOR RELIEF

WHEREFORE, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of disability.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Ms. Stege, by providing appropriate lost income with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

COMPLAINT

3.

interest.

H. Award the EEOC its costs in this action.

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JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

RONALD COOPER
General Counsel

U. S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
1801 L Street, N.W.
Washington, D.C. 20507

July 31, 2007


WILLIAM R. TAMAYO
Regional Attorney


DAVID F. OFFEN-BROWN
Supervisory Trial Attorney


LINDA ORDONIO-DIXON
Senior Trial Attorney

Attorneys for Plaintiff EEOC

U. S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, California 94105-1260